



TOWN OF LOOMIS
ACTION MINUTES
REGULAR MEETING OF
LOOMIS TOWN COUNCIL
LOOMIS TOWN HALL,
6140 HORSESHOE BAR ROAD, SUITE K
LOOMIS, CA 95650

TUESDAY P.M.	MAY 13, 2008	7:00
<p>CLOSED SESSION – Pursuant to cited authority, the Town Council will hold a closed session to discuss the following listed items. A report of any action taken will be presented prior to adjournment of the regular meeting.</p> <p>a. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: Initiation of litigation pursuant to subdivision (c) Section 54956.9: Three potential cases</p> <p>b. CONFERENCE WITH REAL PROPERTY NEGOTIATOR. Pursuant to Section 54956.9 of the Government Code: Property: - APN 044-007-064, 044-008-030 and 044-012-055 (Union Pacific Railroad property Beginning at Loomis Station and running southwest toward Sierra College Blvd. and from Webb Street to King Road) - APN 043-014-019 (Town owned corporation yard property to be sold to Loomis Union School District) - APN 044-010-014, 3665 Taylor Road (South Placer Utility District property) Agency Negotiator: Perry Beck, Town Manager Under Negotiation: price and term</p> <p>c. CONFERENCE WITH LABOR NEGOTIATOR. Pursuant to Section 54957.6 of the Government Code: Agency Negotiator: Perry Beck, Town Manager Employee Organizations: Maintenance Workers (Operating Engineers Local 39) and Loomis Diversified Employees Group</p>		
TUESDAY P.M.	MAY 13, 2008	7:30

CALL TO ORDER

Call to order by Mayor Kelley at 7:37 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

Mayor Kelley
Councilmember Millward
Councilmember Morillas
Councilmember Scherer
Councilmember Ucovich

STATEMENT OF ACTION TAKEN DURING CLOSED SESSION

a. No action taken.

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- b. No action taken.
- c. No action taken.

MATTERS OF INTEREST TO COUNCILMEMBERS

Councilmember Ucovich stated that he received an email from a citizen concerned about traffic on Taylor/Horseshoe Bar Road and who witnessed an accident.

Perry Beck, Town Manager, noted the Placer County Sheriff's Department had no reported incident.

Councilmember Scherer stated the following:

- there are citizens here tonight to talk about the Rocklin Crossings and the Rocklin Lowe's projects
- the public needs to be included on these important matters (Rocklin development in their backyards)
- we need to have a special meeting within 72 hours so that we can discuss these items

Mayor Kelley pointed out that staff needs to get some full size plans of the projects from Rocklin so we can have a special meeting to discuss this.

PRESENTATION: By Christine Henning on PG&E Climate Smart Program

Perry Beck noted that Christine Henning has gone to Arizona and a new PG&E representative, Lori Rogers, will be giving the presentation at a later date.

All items on the agenda will be open for public comment before final action is taken. Speakers are requested to restrict comments to the item as it appears on the agenda and stay within a five-minute time limit. The Mayor has the discretion of limiting the total discussion time for an item.

Written Material Introduced Into the Record: Citizens wishing to introduce written material into the record at the public hearing on any item are requested to provide a copy of the written material to the Town Clerk prior to the public hearing date so that the material may be distributed to the Town Council prior to the public hearing.

PUBLIC COMMENT: This time is reserved for those in the audience who wish to address the Town Council on subjects that are not on the Agenda. The audience should be aware that the Council may not discuss details or vote on non-agenda items. Your concerns may be referred to staff or placed on the next available agenda. Please note that comments from the public will also be taken on any item on the agenda. The time allotted to each speaker is five minutes.

Council discussed having a special meeting on the Rocklin Crossing and Lowe's projects next week.

Dan Foster, 4303 Dias Lane stated the following:

- he appreciates the special meeting Council will be having
- a few weeks ago Council authorized an emergency fund for a legal team to go over the EIR
- he would like to hear the follow-up on that and what they concluded
- he attended the Rocklin Planning Commission and found they are making a lot of exceptions that have a negative impact on our quality of life

Jayne Parker, 4435 Dias Lane, suggested discussing the letter that was received from Rocklin at the meeting next week.

Gary Liss, 4395 Gold Trail Way, stated the following:

- requested having continual updates, as they occur, posted to the Town website regarding any Rocklin projects that are close to Sierra College Boulevard/I-80
- the concern is the accumulative impacts along Sierra College Boulevard corridor
- requested putting the Rocklin projects on the agenda continually until actions are resolved one way or another

Anna Nakashoji, 3899 Martin Lane, asked who was responsible for the blinking street light on the west bound on-ramp?

Mayor Kelley said staff will look into that.

James Netzel, 4317 Dias Lane, stated the following:

- he is a truck driver and he did some research regarding the delivery trucks for Walmart
- set hours doesn't mean there won't be trucks coming in at different times
- they drive in at all hours of the night and wait until the next morning for delivery
- as a truck driver he learned that even if they were not going to deliver to Walmart, sometimes they will pull in behind a Walmart just to take a nap
- he doesn't want a truck stop next to his house

ADOPTION OF AGENDA

A motion was made to adopt the Agenda. On motion by Councilmember Morillas, seconded by Councilmember Ucovich and passed by voice vote.

OPPORTUNITY TO COMMENT ON CONSENT CALENDAR: All items listed under the Consent Agenda are considered by the Council to be routine in nature and will be enacted by one motion unless an audience member or Councilmember requests otherwise, in which case, the item will be removed for separate consideration.

A motion was made to adopt the Consent Agenda pulling items 10 and 11b forward for discussion. On motion by Councilmember Ucovich, seconded by Councilmember Morillas and passed by voice vote.

CONSENT AGENDA

RECOMMENDED ACTION

- | | |
|--|--------------------------------------|
| 1. Council Minutes – 4/8/08
3/31/08 With Councilmember Scherer abstaining | APPROVE
APPROVE |
| 2. Monthly Check Register – April | RECEIVE AND FILE |
| 3. Statement of Activity | RECEIVE AND FILE |
| 4. Treasurer's Report | RECEIVE AND FILE |
| 5. Planning Status Report | RECEIVE AND FILE |
| 6. Select Projects Update | RECEIVE AND FILE |
| 7. Resolution of the Town Council of the Town of Loomis
Declaring an Election be Held; Requesting The Board
Of Supervisors to Consolidate this Election With Any
Other Election Conducted on Said Date; And Requesting
Election Services by the County Clerk | ADOPT RESOLUTION
Resolution 08-13 |
| 8. Animal Control Update on Services Being Provided | RECEIVE AND FILE |
| 9. A Resolution of the Town Council of the Town of Loomis
Declaring May 2008 As "May Is Bike Month" | ADOPT RESOLUTION
Resolution 08-14 |
| 11. Preliminary 2008/2009 Budget | RECEIVE AND FILE |

CONSENT ITEMS FORWARDED

- | | |
|---|---------|
| 10. Schedule Workshop On May 29, 2008 With the Planning
Commission | APPROVE |
|---|---------|

Mayor Kelley suggested the following:

- letting the Planning Commission adjourn their regular meeting to May 29th and any Council can attend with the public
- later Council can schedule a workshop if they choose to

George Phillips, attorney for Westwood Homes, requested having the Planning Commission workshop on May 29, 2008 concerning the Montserrat Oak Mitigation and Monitoring Plan.

Pat Miller, 4395 Gold Trail Way, stated the following:

- a large group of people in the community would like to see how the Montserrat Oak Mitigation and Monitoring Plan will work
- having a workshop where citizens can go and see what will be done on the 200 acres is of great importance to the community

Anna Nakashoji stated the following:

- these meetings should be opened to the public
- the public should be involved in what is going on in our community

Gary Liss, 4395 Gold Trail Way, stated the following:

- he hasn't seen a clear determination of what the potential short fall to the Town would be from the proposal
- it is important as the project goes forward, that the financial and budgetary implications to the Town are clearly understood

Following further discussion on the matter, Council directed staff to schedule a workshop on the Montserrat Oak Mitigation and Monitoring Plan where all of the Council can attend. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

11b. A Resolution of the Town Council of the Town of Loomis
Designating the Places Where Public Notices Shall Be Posted

ADOPT RESOLUTION

Mayor Kelley suggested adding the Town's website as a designated place to post.

Roger Smith, 6766 Wells Avenue, suggested putting the agenda notice in the local newspaper.

Councilmember Ucovich suggested adding Raley's as a designated place to post.

Councilmember Scherer pointed out the following:

- these locations are where we are obligated to post and where we have some control over the property
- if we add the website and Raley's and we can't post it there for some reason (like the website is down) then that becomes a problem, we could be challenged on legal grounds that we did not meet our posting requirements as according to law

The Clerk noted the agenda is posted on the website, at Raley's, and sent to Loomis News when packets are completed.

Following further discussion on the matter, a motion was made to adopt Resolution 08-15, designating the places where public notices shall be posted. On motion by Councilmember Millward, seconded by Councilmember Ucovich and passed by voice vote.

PUBLIC HEARING

12. First Time Homebuyer Downpayment Assistance Program Guidelines
(Continued from April 21, 2008)

TC 4/21/08

The Council requested that the guidelines for current projects be brought back to Council for consideration, if possible, of a revision to also include local marketing and priority for those people living and working within the Town of Loomis

Recommended action: Open hearing, take testimony, consider revisions and adopt proposed revisions to the First Time Homebuyer Down Payment Assistance Program Guidelines

Public comment:

April Rosenstiel, Mercy Housing California, presented revisions to the guidelines that Council requested at the March 31st meeting:

- it was suggested to base it on Roseville's guidelines
- she gave Council 2 sets of guidelines, one is April 2008 and May 2008, so that we could make a decision on either one
- a change was made from a 45 year loan to a 30 year loan
- the buyers are to contribute 1% of the purchase price, plus the closing cost
- updated the 2008 income limits and revised the definition of a family to household members
- giving priority to those who live and work in Loomis, with a residency of 12 months
- a person qualifies to be reviewed when they have a full package to submit: a completed program interest form and a pre-qualification letter from a lender comes in together (then it will be timed, date stamped, and reviewed for approval or denial)
- there will be two waiting lists: a) those that live and work in Loomis, and b) those that do not
- they will always take from the "a" list first and then from the "b" list
- the May 2008 guidelines includes: a lottery, instead of first come first serve, and clarifies an equity share provision in-lieu of interest
- Mercy Housing would like to offer their services, pro-bono, to write a new grant (Cal Home Grant) that is due the 25th of June for \$900,000
- also, they are waiting for the decision on the CDBG grant application she wrote and should hear about that in June
- she hopes to continually keep a loan pool in the Town to help more in the community

James Bailey, 4032 Hunter Oaks Lane, stated the following:

- they learned of the program in January and were the first to have a complete package for review by Mercy Housing
- an offer on a house was accepted and they had to pay \$450 for a pest inspection
- then they were told that the funding had been frozen because of the change in guidelines mid-way through
- they are now in limbo (sitting in escrow), hoping funding will be released, and urged Council to lift the freeze and allow their application to move forward

Amber Parsons, the realtor working with the Bailey's and the homeowners, stated the following:

- if the market continues to soften then the appraisal on the house will no longer be valid
- suggested changing the guidelines after the funding is gone

Councilmember Ucovich noted the following:

- they had a program in place that was being followed and then we changed the guidelines in the middle of the process
- it is unfair for this couple and we have a moral obligation, in good faith, to keep it the way it was

April Rosenstiel pointed out that the Bailey's are the only ones that are still waiting.

Following further discussion on the matter, a motion was made to release funds under the old program so the Bailey's will be allowed to proceed with their process to qualify. On motion by Councilmember Ucovich, seconded by Councilmember Morillas and passed by voice vote.

Council discussed the following for the new guidelines:

- there should be priority for Loomis residents first, then people who work here (who have lived or worked in Loomis at least a year)
- suggested splitting the lottery into low and very low income if possible (maybe in the future reserving some money for very low income)

Following further discussion on the matter, a motion was made to adopt, as modified, the First Time Homebuyer Down Payment Assistance Program Guidelines dated May 2008. On motion by Councilmember Ucovich, seconded by Councilmember Scherer and passed by voice vote.

Recess at 9:30 p.m. to 9:40 p.m.

13. **Fence and Wall Regulations** (Continued from April 8, 2008) TC 10/10/06
Consider proposed draft Zoning Ordinance revisions for entire Town of Loomis regarding Fence and Wall regulations
Recommended action: Adopt Ordinance modifying portions of Chapter 13.30 of the Municipal Code dealing with fences and walls
Public hearing:

Continued to May 19, 2008.

Councilmember Ucovich left the room, due to conflict of interest.

14. **Aunt Cynthia's Bed and Biscuit, 3190 Swetzer Road, APN 044-280-001** TC 2/12/08
(Continued from April 8, 2008)
The Town Council granted conceptual approval on February 12, 2008 of a modification to a Conditional Use Permit, Design Review and Mitigated Negative Declaration to allow expansion of an animal kennel on Swetzer Road and final action is needed
Recommended action: Adopt Resolution approving a modification to a conditional use permit, design review and mitigated negative declaration, application being #07-01 for Cynthia McCoy to allow kenneling/boarding facility with a maximum of 30 animals prior to occupancy of new facility on 3190 Swetzer Road
Public comment:

Dominick Ladue, DLD Designing Consulting, addressed the following:

- they are proposing moving the facility closer to Swetzer Road
- first reason is financial – reducing the distance the services need to run
- second reason – to put the facility further away from the residential neighborhood

Kathy Kerdus, Planning Director, clarified the following:

- tonight staff is recommending conceptual approval of the project as it was originally proposed
- after this approval Ms. McCoy will then come in with a new application to modify the existing use permit to move the facility closer to Swetzer Road

Cynthia McCoy stated they will be abandoning the existing buildings once they hook-up into sewer and move the facility.

No public comment.

Following further discussion on the matter, a motion was made to approve Resolution 08-16, a modification to a conditional use permit, design review and mitigated negative declaration, application being #07-01 for Cynthia McCoy to allow a kenneling/boarding facility with a maximum of 30 animals prior to occupancy of new facility on 3190 Swetzer Road. On motion by Councilmember Millward, seconded by Councilmember Scherer and passed by the following roll call vote:

Ayes: Kelley, Millward, Morillas, Scherer
Noes: None
Absent: Ucovich

At 9:50 p.m. Councilmember Ucovich returned to the table.

BUSINESS

15. **Zoning Ordinance Amendment to Allow School Use in RA District**
The Dominican Sisters of Mary, Mother of the Eucharist, would like the Town to consider a Conditional Use Permit for a convent at 5820 Rocklin Road (corner of Rocklin and Barton Roads) and a Zoning Amendment to allow a school in the Residential Agricultural Zoning District (RA)
Recommended action: Hear the property owners request and decide on whether you agree that staff time would be well allocated on a zoning amendment and school request in the RA District
Public comment:

John Griffin, representing the Dominican Sisters of Mary, Mother of the Eucharist, addressed the following:

- asked the Council to allow them to work with staff to move forward and make a presentation in the future
- they are not asking for an approval of the project at this time
- they want the opportunity to study the project (potential mitigations that might be required) and see if this could be something that would fit in the Loomis community
- there are residents that support this project and hope to have the opportunity to send their children to the school
- the property is 38 acres that is being donated to the Sisters

Council discussed the following:

- suggested having several public meetings first, to see what the community wants before a lot of staff time has been spent
- they would need a General Plan Amendment (GPA) to allow a school in the Residential Agricultural zoning off of Rocklin Road
- previous Council said they did not want to have those types of uses in that area
- A GPA requires a finding that there is a significant community wide benefit to the Town

Gary Liss stated the following:

- it is critical that we maintain the zoning that we have worked so hard to develop
- that site is a gateway to Loomis from Rocklin Road
- urged Council to view this as an economic development issue and look into other areas that are zoned for this type of use

Kathy Fisher, 5455 Val Verde Road, is very supportive of having a Catholic school on Rocklin Road.

Pat Miller, 4395 Gold Trail Way, pointed out the following:

- the community college is in Rocklin and is not sensitive to Loomis's interests
- the seminary is on top of a hill and is not visible
- a 100,000 square foot building is visible
- she has no problem with the convent but does not want the school

Amanda Huber, 5565 East St. Francis Circle, stated the following:

- she supports having a Catholic school on Rocklin Road
- the community would benefit because the closest Catholic school is in Roseville
- she suggested that a petition would show that the majority of Loomis is in favor of this project

Dave Larsen, Town Attorney, pointed out to the Council that this is just an opportunity to gain insight from the applicant and that anyone is entitled to come into Town Hall and work with staff.

Following further discussion on the matter, Council directed staff to allow the applicants to work with them. On motion by Councilmember Millward, seconded by Councilmember Morillas. Councilmember Scherer clarified that in item 18 Council will be allocating staff time to various Council and Town concerns and this item is being separated from that. Vote passed by the following roll call vote:

Ayes: Kelley, Millward, Morillas

Noes: Scherer, Ucovich

16. Loomis Market Place Review Process

The Loomis Market Place project proponents request that Council consider using a development agreement review method in processing the planning for this project. South of Interstate 80 and approximately 117 acres lying between Secret Ravine and the freeway and straddling Horseshoe Bar Road. The proposed Loomis Market Place project occupies an area of 63.21 acres (43.58 acres west of Horseshoe Bar Road and 19.63 acres east of Horseshoe Bar Road)

Recommended action: Approve the use of the development agreement method to process the Loomis Market Place project to satisfy the requirement of the Zoning Code

Public comment:

Tom Lombrazo, representing the Loomis Market Place, stated the following:

- they have a detailed description of the project that will be in the Notice of Preparation (NOP) when it is released
- at this time they have an active application, not a complete application, they are working with staff
- we are here tonight because the Town ordinance says he has to plan the entire CT zonig, which is double the size of their project
- he would have to take every property and have his consultants go on private property to do surveys for wetland studies, etc.
- this can raise litigation issues
- staff suggested that through the development agreement process they would be able to describe the way the Loomis Municipal Code can be interpreted, by showing the access rights, infrastructure, etc.

Anna Nakashoji asked when they will know about fencing, lighting, run-off, number of vehicles, and height of the buildings (project description)?

Kathy Kerdus, Planning Director, when the NOP is sent out and there will be copies available for residents saying what is proposed and residents can make comments regarding this.

Roger Smith, 6755 Wells Avenue, stated the following:

- the Development Agreement process affords more opportunity for staff and public to have input on the project well in advance of an EIR
- he supports the Development Agreement process

Following further discussion on the matter, a motion was made to approve the use of the development agreement method to process the Loomis Market Place project to satisfy the requirements of the Zoning Code. On motion by Councilmember Morillas, seconded by Councilmember Millward and passed by the following vote:

Ayes: Kelley, Millward, Morillas, Scherer, Ucovich
Noes: None

17. **Horseshoe Bar Road Bike and Pedestrian Path Consideration** TC 4/8/08
(Continued from April 8, 2008)

Mayor Kelley requested staff to look into improving the segment of Horseshoe Bar Road from Interstate 80 to the Horseshoe Bar "T" to accommodate a bike/pedestrian path for safety

Recommended action: Discuss and direct staff

Public comment:

Continued to May 19, 2008

18. **2008/09 Goals and Budgeting** (Continued from April 8, 2008) TC 1/8/08

Identify goals and projects to develop the 2008/09 budget

Recommended action: Discuss and identify goals and projects, including the Park & Open Space Commission work plan and budget, to add to the prior list of projects for inclusion in the 2008/09 budget

Public comment:

Continued to May 19, 2008

19. **Tree Permit Service Fee Adjustment** (Continued from April 8, 2008) TC 4/8/08

Councilmember Ucovich asked that Council review the tree removal permit information before deciding on the permit fee

Recommended action: Adopt resolution adjusting the tree removal permit fee from \$50/permit to \$53/permit as recommended in the consultant report

Public comment:

Continued to May 19, 2008.

20. **Solar Regulations** (Continued from April 8, 2008) TC 4/8/08

Councilmember Millward asked that the Council discuss solar regulations

Recommended action: Discuss and determine if there is follow-up that Council desires

Public comment:

Continued to May 19, 2008.

21. **Fair Political Practices Commission Letter** (Continued from April 8, 2008) TC 4/8/08

Councilmember Scherer asked that the Council review the Fair Political Practices Commission letter concerning Jim Williams and the Next Spring in Loomis campaign from the 2006 elections

Recommended action: Discuss and give direction as determined by the Council

Public comment:

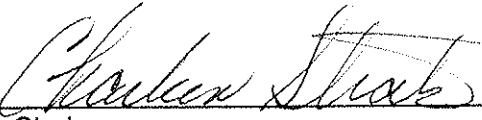
Continued to May 19, 2008.

COMMITTEE REPORTS

- 22. Placer County Economic Development Commission – Ucovich
- 23. Placer County Flood Control/Water Conservation District – Morillas
- 24. Placer County Transportation Planning Agency – Kelley/Millward
- 25. Placer County Mosquito Abatement – Ucovich
- 26. Placer County Air Pollution Control District – Millward/Ucovich
- 27. Placer County Community Services Commission - Millward
- 28. Sacramento Area Council of Governments – Scherer/Kelley
- 29. Placer Land Trust ex-officio representative - Scherer

ADJOURNMENT

A motion was made to adjourn the meeting at 11:15 p.m. to an Adjourned Regular meeting on May 19, 2008. On motion by Councilmember Ucovich, seconded by Councilmember Millward and passed by voice vote.



Town Clerk



Mayor